

PATENTABILITY ARGUMENTS

Claim Objections:

The Examiner has objected to claims 21, 36-38 and 40 because of a number of informalities. Applicant has cancelled claims 21, 36-38 and 40, consequently, Applicant respectfully requests that the Examiner removes these objections.

Claim Rejection- 35 U.S.C. §112:

The Examiner has rejected claim 39 under 35 U.S.C. 112 second paragraph because the Examiner believes that the claim recites a kit, which is simply a list of elements. Applicant has cancelled claim 39, consequently, Applicant respectfully requests that the Examiner removes this rejection.

Claim Rejections- 35 U.S.C. §102(b):

The Examiner has rejected claims 21, 23-27, 29, 30 and 35-40 under 35 U.S.C. §102(b) as being anticipated by Layne U.S. patent 4,429,548 (548). Applicant has canceled claims 21, 23-27, 29, 30 and 35-40, consequently, Applicant respectfully requests that the Examiner removes this rejection.

Claim Rejections- 35 U.S.C. §103(a):

The Examiner has rejected claims 21, 23-27, 29, 30, 35, 36 and 38-40 under 35 U.S.C. §103(a) as being unpatentable over Layne 548 in view of Finkelstein *et al.* U.S. patent 5,520,237 (237). Applicant has canceled claims 21, 23-27, 29, 30, 35, 36 and 38-40, consequently, Applicant respectfully requests that the Examiner removes this rejection.

The Examiner further rejects claim 28 under 35 U.S.C. 103(a) as being unpatentable over Layne 548 alone. Applicant has canceled claim 28, consequently, Applicant respectfully requests that the Examiner removes this rejection.

Allowable Subject Matter:

The Examiner states that claims 31-34 are objected to as being dependent upon rejected base claims but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In compliance with the Examiner's request Applicant has rewritten claims 31 and 34 in independent form and to include all of the limitations of the base claims and any intervening claims.

Based on the allowable subjected matter of claims 31 through 34 applicant has redrafted new claims to include the limitations of the allowable subject matter identified by the Examiner.

Claims 41 through 44 depend from claims 31 through 34 respectively and further comprise stabilizing adapters.

Claims 45 through 48 depend from claims 41 through 44 which depend from claims 31 through 34 respectively further defining stabilizing adapters as weights.

Claims 49 through 52 depend from claims 31 through 34 respectively and wherein said attachment device comprises a mounting means for securing the curtain to the side walls of the inner chamber.

Claims 53 through 56 depend from claims 31 through 34 respectively and wherein said attachment device secures the curtain to the upper surface of the inner chamber.

Claims 57 through 60 are methods for reducing the temperature within a storage area of a cabinet comprising the thermal barrier of claims 31 through 34 respectively.

Claims 61 through 64 are kits comprising the thermal barrier of claims 31 through 34 respectively, and claims 65 through 68 are kits depending from claims 61 through 64 further comprising stabilizing adapters.

Since all of the new claims are dependent from allowed claims 31 through 34 or comprise the allowable subject matter of claims 31 through 34, Applicant believes they should also be allowable. In view of these arguments, Applicant respectfully requests that the Examiner withdraw these rejections.

CONCLUSION

In view of the above arguments Applicant has amended the claims and demonstrated that the invention as claimed satisfies the statutory requirements for patentability. Applicant respectfully requests that the Examiner issue an allowance of the claims.

Respectfully submitted,

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